



सत्यमेव जयते

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Deptt. of Personnel, Administrative Reforms & Rajbhasha

RESOLUTION

The 8th July, 2014

No.-11/सू०अ०अधि०-05/2009 का.-6975-In compliance of the orders dated 22nd August, 2013 and 6th December, 2013 passed by the Hon'ble Jharkhand High Court, Ranchi in WP(S) No.-5365/2011 Justice Hari Shankar Prasad Vrs. Union of India and Others and in order to give effect to the provisions of section 16(5) of the Right to Information Act, 2005 detailed provisions with regard to the salary and allowances payable to and other term and conditions of service of the State Chief Information Commissioner, Jharkhand are required to be outlined.

Section 16(5)(a) of the Right to Information Act, 2005 reads as follows :-

"16(5) The salaries and allowances payable to and other term and conditions of service of

(a) The State Chief Information Commissioner shall be the same as that of an Election Commissioner"

In the light of Section 16(5)(a) of Right to Information Act, 2005 the State Government after due consideration have decided to lay down the following provisions in respect of the salary and allowances payable to and other term and conditions of service of the State Chief Information Commissioner, Jharkhand :-

Tenure :-

The State Chief Information Commissioner shall hold office for a term of 5 (five) years or till he attains the age of 65 years whichever is earlier. The State Chief Information Commissioner shall not be eligible for re-appointment. (As per Section 16(1) of the Right to Information Act, 2005)

Pay:-

The State Chief Information Commissioner shall draw a pay of Rs. 90,000/- per month (fixed) w.e.f. 1st January, 2006. If he is in receipt of a pension other than a disability or wound pension from Government of India or from State Government, his salary as State Chief Information Commissioner shall be reduced by the amount of that pension including commuted portion of pension. If he is in receipt of retirement benefits in respect of any previous service rendered in a Corporation established by or under any Central Act or State Act or a Government company owned or controlled by the Central Government or the State Government, his salary in respect of the services as State Chief Information Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits. **(As per Section 16(5) and first provision thereunder of the Right to Information Act, 2005 & Section 3 of the Chief Election Commissioners and other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 12A (2) of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Sumptuary Allowance :-

A monthly sumptuary allowance as admissible to the Election Commissioner shall be admissible to the State Chief Information Commissioner i.e. Rs. 7,500/- w.e.f. 1st January, 2006 and Rs. 15,000/- w.e.f. 1st September, 2008 per month. **(As per Section 8 of the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 23B of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Provided that the expenses shall be reimbursed on prescription of Government doctors/hospitals or recognized private practitioners/private hospitals to the State Chief Information Commissioner.

In accordance with Section 23C of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, every retired State Chief Information Commissioner shall be entitled for himself and his family to the same facilities as respects medical treatment and on the same conditions as a retired officer of the Central Civil Services Class-I/All India Services and his family are entitled under any rules or orders of the Central Government for the time being in force **(As per Section 8 of the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 23C of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 & rule 5 of the Supreme Court Judges Rules, 1959)**

Conveyance facilities :-

The State Chief Information Commissioner shall be entitled to a staff car and 200 liters fuel per month or the actual consumption of fuel whichever is less. **(As per Section 8 of the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Section 23A of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958)**

Travelling Allowance/Leave Travel :-

The State Chief Information Commissioner shall be entitled to Traveling Allowance/Leave Travel Concession as applicable to the Election Commissioner who is entitled to Travelling Allowance (Tour) and Travelling Allowance (Transfer/Retirement) as per the provisions contained in the Supreme Court Judges (Travelling Allowance) Rules, 1959. In terms of Rule 5(f) *ibid* when a judge travels on duty he is entitled to a daily allowance at the rate of Rs. 600/- for the entire period of absence from head quarters provided that daily allowance so admissible shall be regulated as follows :-

- (i) Full daily allowance for each completed day, that is reckoned from mid-night to mid-night
- (ii) For absence from head quarters for less than twenty-four hours the daily allowance shall be at the following rates, namely :-

- (1) If the absence from headquarters does not exceed 6 hours, 30% of the full daily allowance;
- (2) If the absence from head quarters exceeds 6 hours, but does not exceed 12 hours, 50% of the full daily allowance;
- (3) If the absence from head quarters exceeds 12 hours full daily allowance provided also that -

When a Chief Information Commissioner is required to perform functions outside his normal duties in localities away from his head quarters, he may subject to such conditions as the Governor may in each case determine, be granted daily allowance not exceeding Rs. 600 per day for all types of localities and Rs. 1000 and transport charges not exceeding Rs. 50 per day in respect of specially expensive localities like Mumbai, Kolkata, Chennai, Delhi, Hyderabad, Ahmadabad and Bangalore or any other locality so declared hereafter by the President and shall also be entitled to accommodation at the same rates as for Government servants.

As admissible to Supreme Court Judges and Election Commissioners, the State Chief Information Commissioner is also entitled to Leave Travel Concession for self, spouse and dependent members for visiting any place in India including home town during leave thrice a year in accordance with rules applicable in this behalf to a member of the Indian Administrative Service holding the rank of Secretary to Government of India.

(As per Section 8 of the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 and Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act 1993 & Rule 6A of the Supreme Court Judges (Travelling Allowance) Rules, 1959)

Pension :-

In terms of Section 6(2) of the Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and other Election Commissioners (Conditions of Service) Amendment Act, 1993 the Chief Election Commissioner and Election Commissioners are entitled to a pension which is equal to the pension payable to the Judge of the Supreme Court in accordance with the provisions of part III of the schedule to the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended from time to time. These provisions are also applicable to State Chief Information Commissioner in terms of Section 16(5) of Right to Information Act, 2005.

The provisions of Part III apply to a judge who has held any pensionable post under the union or a State (but is not a member of Indian Civil Service) and who has not elected to receive the pension payable under Part I *ibid*.

The Pension payable to such a judge shall be :-

- (a) the pension to which he is entitled under the ordinary rules of his service if he had not been appointed a judge, his service as a judge in India being treated as service therein for the purpose of calculating pension.
- (b) a special additional pension of Rs. 16020 per annum w.e.f. 1st January, 2006 in respect of each completed year of service for pension as a judge in India.

Provided that the pension under (a) and additional pension under clause (b) together shall in no case exceed Rs. 5,40,000 per annum w.e.f. 1st January, 2006.

Commutation of pension, family pension and gratuity as are admissible to the judge of the Supreme Court are also admissible to State Chief Information Commissioner.

(As per Section 6 of the Chief Election Commissioner and Other Election Commissioners (Conditions of Service) Act, 1991 & Chief Election Commissioners and Other Election Commissioners (Conditions of Service) Amendment Act, 1993 & Part III of the Schedule to the Supreme Court Judge (Salaries and Conditions of Service) Act, 1958)

Post Retirement Benefits :-

As in the case of Supreme Court Judges and Election Commissioners, the State Chief Information Commissioner is also entitled during his lifetime a payment of Rs. 4000/- (Rupees Four thousand only) per month for defraying the services of an orderly. He is also entitled to a residential telephone free of cost and the number of free calls to the extent of 1500 per month (Over and above the number of free telephone calls per month allowed by the telephone Companies). **(As per Rule 3B of the Supreme Court Judges Rules, 1959)**

Administrative and other residuary matters :-

Administrative matters relating to terms and conditions of service of the State Chief Information Commissioner with respect to which no express provision have been made shall be as applicable to the Election Commissioners respectively. **(As per Section 16(5) of Right to Information Act, 2005)**

The above provisions will be applicable in respect of Shri Hari Shankar Prasad, Rtd. State Chief Information Commissioner, Jharkhand to the extent of his retiral benefits.

This Resolution is issued with the concurrence of Finance Department.

By the Order of the Governor of Jharkhand,

S.K. Satapathy,

Principal Secretary to Govt.
